



Town of Cutler Bay Outdoor Seating/Dining Area FACT SHEET

What is an Outdoor Seating/Dining Area?

An outdoor seating/dining area is defined as a portion of a restaurant or eating establishment located outside of or adjacent to the principle establishment, on a private or public sidewalk which provides a sit down area for food and/or beverage consumption purposes.

Is there an ordinance in the Town of Cutler Bay that addresses Outdoor Seating/Dinning Area?

Yes. Ordinance No. 07-07, entitled Guidelines for Non-Residential Design Standards and Regulations.

Where is Outdoor Seating/Dinning Area permitted?

Outdoor seating/dining area is permitted in the commercial area of the Town where the sidewalk is wide enough so that it does not interfere with the free and unobstructed flow of pedestrian between the dining area and the edge of pavement. Also, if there is seating on one side of the sidewalk, a minimum of five (5) feet sidewalk must remain clear and unobstructed for pedestrian passage. If there is seating on two sides of the sidewalk, a minimum of six (6) feet of sidewalk between the two seating areas must remain clear and unobstructed for pedestrian passage.

What items should be considered in the layout of an Outdoor Seating/Dining Area?

In determining the proposed layout for an Outdoor Seating/Dining Area, an Applicant shall consider all existing sidewalk obstructions such as signs and signal poles, bike racks, sidewalks obstructions such as signs and signal poles, bike racks, sidewalk furniture, street trees, etc.

What are the general requirements and responsibilities associated with an Outdoor Seating/Dining Area?

- All tables and chairs shall be placed in front of the restaurant.
- Maintain a clear pedestrian passage of five (5) feet at all times.
- Furniture must be maintained in a clean and orderly condition.

- Furniture shall be of safe, stable and durable materials not prone to rusting or corroding, cracking, warping, etc.
- Table umbrellas must be secure. A minimum of seven (7) feet clearance is required between grade and the open umbrella to ensure that umbrellas don't encroach into the pedestrian passageway.

What documents are needed?

1. Certificate of insurance and endorsement - only if not already on file, call Community Development Department (305) 234-4262 to confirm
2. Hold Harmless Affidavit
3. Site Plan detailing placement of tables and chairs on the sidewalk- only if this is a new application or there have been changes from the previous year's permit
4. Proof of liquor liability insurance (if applicable)
5. Copy of valid liquor license (if applicable)
6. Aesthetics (photo/brochures of furniture, sample of materials, if any)
7. Application and \$ 50.00 check made payable to the Town of Cutler Bay

Revocation of Permit

The Department of Community Development may revoke or suspend the Outdoor Seating permit or may deny renewal of said permit if it is found that:

- The permittee has violated or failed to meet any of the provisions of Ordinance 07-07 of the Town Code.
- Any required permits have been suspended, revoke or cancelled.
- The permittee does not have insurance in effect that meets the permit requirement.

For further Information please contact the Town of Cutler Bay Department of Community Development at 305-234-4262.



**Town of Cutler Bay
Outdoor Seating/Dining Areas
APPLICATION INSTRUCTIONS**

Application Instructions

Complete the application. Have the property owner or the owner's authorized representative sign and complete the application where indicated.

Using the sample site plan form, make a drawing of the proposed area to be used for the Outdoor Seating/Dining Area. Clearly identify the sidewalk obstructions if any (as previously mentioned), label all the doorways to the interior of the building and provide accurate dimensions of the length and width of your Outdoor Seating/Dining Area. It is not necessary to make this drawing to scale, but please provide accurate dimensions. This site plan will be used to designate the area approved by the Community Development Department for use as the Outdoor Seating/Dining Area.

Obtain a certificate of insurance and additional insured endorsement from your agent that meets all the Town of Cutler Bay's requirements for outdoor seating/dining area located in the Town property.

Enclose a \$50.00 check payable to the Town of Cutler Bay.

Submission:

Town of Cutler Bay
Community Development Department
Cutler Bay Town Center
10720 Caribbean Boulevard
Suite 105
Cutler Bay, Florida 33189

Contact Information:

For additional information please contact the Community Development Department at 305-234-4262.



Town of Cutler Bay
Outdoor Seating/Dining Areas
APPLICATION

Application is hereby made for a revocable permit to operate an OUTDOOR SEATING/DINING AREA in accordance with Ordinance No. 07-07 of the Town of Cutler Bay Code.

1	If this application is being used to renew a previous year's permit and there are no changes to the previous year's application information, please mark the box to the right, and then complete Section 2 and 5 below. If this is a new application or if you need to update the previous year's information, do not mark the box to the right, instead complete all sections of this application.	<input type="checkbox"/>
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2	Restaurant _____ Address of Operations _____ City: <u>Cutler Bay</u> State: <u>FL</u> ZIP _____ Occupations License # _____ Expiration Date _____ Folio # _____
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3	Contact Name _____ Contact Phone _____ Mark the box to the right if the contact address is the same as above Contact Address _____ City _____ State _____ ZIP _____	<input type="checkbox"/>
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4	Property Owner/Leasing Manager Name (Print) _____ Property Owner/Leasing Manager Phone # _____ Property Owner/Leasing Manager Address _____ City _____ State _____ ZIP _____ Property Owner/ Leasing Manager Signature _____
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5	Hours of Operation: Monday _____ Tuesday _____ Wednesday _____ Thursday _____ Friday _____ Saturday _____ Sunday _____ Will alcoholic beverages be served: _____ Yes _____ No
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Submit the following:

1. Certificate of insurance and endorsement - only if not already on file, call Community Development Department (305) 234-4262 to confirm
2. Hold Harmless Affidavit
3. Site Plan detailing placement of tables and chairs on the sidewalk
- only if this is a new application or there have been changes from the previous year's permit
4. Proof of liquor liability insurance (if applicable)
5. Copy of valid liquor license (if applicable)
6. Aesthetics (photo/brochures of furniture, sample of materials, if any)
7. Application **AND** \$ 50.00 check made payable to the Town of Cutler Bay



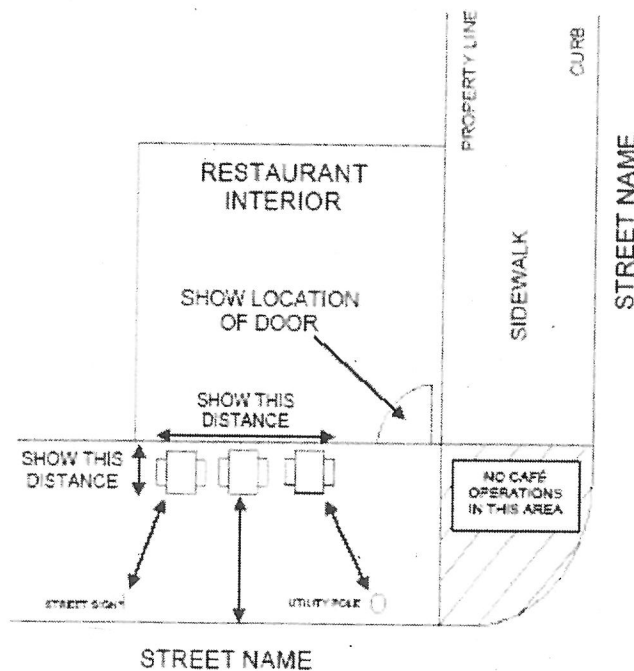
**Town of Cutler Bay
Outdoor Seating/Dining Areas
SITE PLAN**



Town of Cutler Bay
Outdoor Seating/Dining Areas
EXAMPLE SITE PLAN

- A) A 5-FOOT WIDE CLEAR PEDESTRIAN PASSAGEWAY MUST BE MAINTAINED AT ALL TIMES FOR SEATING ON ONE SIDE OF THE SIDEWALK.
- B) A 6-FOOT WIDE CLEAR PEDESTRIAN PASSAGEWAY MUST BE MAINTAINED AT ALL TIMES FOR SEATING ON TWO SIDES OF THE SIDEWALK.

Example Site Plan



SHOW AND LABEL ALL SIDEWALK OBSTRUCTIONS

SITE PLAN AND A VALID PERMIT MUST BE DISPLAYED AND VISABLE.

TABLES AND CHAIRS MUST CONFORM TO THIS SITE PLAN.

FOR OUTDOOR SEATING/DINING AREA QUESTIONS OR CONCERNS, PLEASE CALL (305)234-4262

Outdoor Seating/Dining Area: _____

Outdoor Seating/Dining Area Address: _____



**Town of Cutler Bay
Outdoor Seating/Dining Areas
INSURANCE REQUIREMENTS**

This information will assist you and your insurance agent in complying with Insurance requirements for an Outdoor Seating/Dining Area permit.

The Town of Cutler Bay Requires:

- A standard Certificate of Liability Insurance, with the Town of Cutler Bay names as the Certificate Holder.

- **Certificate Holder Address:** **The Town of Cutler Bay**
Community Development Department
Cutler Bay Town Center
10720 Caribbean Boulevard
Suite 105
Cutler Bay, Florida 33189

AND

- An endorsement, on file with the certificate, naming the Town of Cutler Bay as an additional insured. List the endorsement used in the "DESCRIPTION OF OPERATIONS ..." section of the certificate.

Minimum Requirements for Liability Insurance

The insurance shall provide coverage not less than \$1,000,000 (one million dollars) per occurrence.

Regulations

The insurance certificate is intended to protect the public from any liability it may incur as a result of granting the requested permit.

Notification of Cancellation

The Town of Cutler Bay requires 30 (thirty) day notice mailed from the insurance company prior to cancellation of the policy.

Minimum Requirements of Insurance Companies

Insurance coverage shall be insured by a company authorized and licenses to do business in the State of Florida and who has a Financial Stability rating of B+ to A+ in the latest addition of A.M. Best Insurance Guide.

Submission

Fax: 305-234-4251

Mail: Please mail to the Certificate Holder Address above

E-Mail: _____

THE CERTIFICATE AND ENDORSEMENT MUST BE APPROVED BY THE TOWN OF CUTLER BAY ATTORNEY BEFORE A PERMIT CAN BE ISSUED. PLEASE ALLOW 6 BUSINESS DAYS FOR PROCESSING.

Questions

If you or your agent has any further questions, please call Community Development Department at 305-234-4262.



**Town of Cutler Bay
Outdoor Seating/Dining Areas
PERMIT ENDORSEMENT**

**Town of Cutler Bay Outdoor Seating/Dining Areas Permit Endorsement
This form to be attached to permittee's certificate of insurance**

INSURED: _____

AFFORDING CO.: _____

POLICY NUMBER: _____

EFFECTIVE: _____

The policy shall bear also the following endorsement:

"Without prejudice to coverage otherwise existing herein, the Town of Cutler Bay and, its officers, agents, and employees are included as additional insured's under this policy as to any claim or claims for injury to person including death, or damage to property, resulting from or growing out of the operations of the permittee within the Town of Cutler Bay, FL."

Authorized Insurance Representative Signature

Date

Name & Address of Certificate Holder: The Town of Cutler Bay
Community Development Department
Cutler Bay Town Center
10720 Caribbean Boulevard
Suite 105
Cutler Bay, Florida 33189



**Town of Cutler Bay
Outdoor Seating/Dining Areas
HOLD HARMLESS AFFIDAVIT**

HOLD HARMLESS AFFIDAVIT

To indemnify and hold harmless the Town and its agents and authorized personnel from any and all claims, liability, losses and causes of action in any connection whatsoever with the issuance of said permit.

I HAVE CAREFULLY READ THE FOREGOING HOLD HARMLESS AGREEMENT AND KNOW THE CONTENTS THEREOF AND HAVE SIGNED THIS DOCUMENT AS MY OWN FREE ACT.

I expressly agree that this Hold Harmless is intended to be as broad and as including as permitted by the laws of the State of Florida, and that if any portion thereof is held invalid, it is agreed that the balance shall notwithstanding, continue in full force and effect.

State of Florida)
)
County of Miami-Dade)

On this, the _____ day of _____ 20____, before me, the undersigned Notary Public of the
State of Florida, the foregoing instrument was acknowledged by
_____ (name of corporate officer),
_____ (title), of _____
(name of corporation), a _____ (state of corporation) corporation, on behalf of the
corporation.

WITNESS my hand and
Official seal

Notary Public, State of Florida

Printed, typed or stamped name of Notary
Public exactly as commissioned

Personally Known to me, or
Produced Identification